

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LASHAWN SANDERS,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
SUPERINTENDENT LINK <i>et al.</i>,	:	
Respondents.	:	No. 16-4318

ORDER

AND NOW, this 15th day of May, 2018, upon consideration of the Petition for Writ of *Habeas Corpus* filed by Petitioner Lashawn Sanders (Doc. No. 1), the Response thereto (Doc. No. 7), Petitioner’s Reply (Docket No. 9), Magistrate Judge Elizabeth Hey’s Report & Recommendation (Doc. No. 11), and Petitioner’s Objection to the Report & Recommendation (Doc. No. 13), it is hereby **ORDERED** that:

1. The Petitioner’s Objections (Doc. No. 13) are **OVERRULED**.¹
2. The Report & Recommendations are **APPROVED** and **ADOPTED**.
3. The Petition for Writ of *Habeas Corpus* (Doc. No. 1) is **DISMISSED** with prejudice without an evidentiary hearing.
4. There is no probable cause to issue a certificate of appealability.²

¹ The Court agrees with Magistrate Judge Hey that Mr. Sanders’s petition is untimely under 28 U.S.C. § 2244(d). *See* Report & Recommendation at 4. Further, the Court agrees with Magistrate Judge Hey that Mr. Sanders has not alleged facts sufficient to show that he is entitled to equitable tolling. *See id.* at 6. To the extent Mr. Sanders’s objections go to the underlying merits of his case, the Court finds his arguments moot.

² A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court agrees with Magistrate Judge Hey that there is no probable cause to issue such a certificate in this action.

5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE